

FILED CLERK, U.S. DISTRICT COURT
09/12/2023
CENTRAL DISTRICT OF CALIFORNIA BY: <u>ch</u> DEPUTY

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 LANCE JOHNSON,
16 Defendant.
17

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19 Case No. 2:23-cr-200-MCS-9
20 ORDER OF DETENTION
21 [18 U.S.C. § 3148(b), 3143(a)]
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23 On September 6, 2023, Mr. Johnson made his initial appearance on a bench
24 warrant alleging violations of pretrial release. John Targowski, a member of the
25 indigent defense panel, appeared with Mr. Johnson, having been previously
26 appointed to represent him. Defense counsel requested a continuance of the matter,
27 and Mr. Johnson was ordered temporarily detained pending a continued detention
28 hearing.

29 A continued detention hearing was held on September 12, 2023.

30 The Court has reviewed the files and records in this matter, including the
31 Notice of Failure to Satisfy Bond conditions dated July 10, 2023, and the report
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1 and amended report prepared by Pretrial Services recommending detention, and
2 has considered the facts and argument presented at the hearing on September 12,
3 2023.

4 The Court finds, pursuant to 18 U.S.C. § 3148(b), as follows:

5 First, there is clear and convincing evidence that Mr. Johnson violated a
6 condition of his pretrial release. 18 U.S.C. § 3148(b)(1)(B). Defense counsel
7 conceded that this prong of §3148(b) is not contested.

8 Second, based on the factors set forth in 18 U.S.C. § 3142(g), the Court finds
9 that there is no condition or combination of conditions that will reasonably assure
10 that Mr. Johnson will not flee if allowed to remain on bail pending future court
11 proceedings. 18 U.S.C. § 3148(b)(2).

12 The Court reaches that conclusion based on the following facts: On May 23,
13 2023, the Court ordered Mr. Johnson released and required him to submit a
14 \$100,000 cash deposit by June 5, 2023. On June 5, 2023, the parties stipulated to
15 modify the terms of the release order, both to extend the deadline for compliance to
16 June 23, 2023, and to permit Mr. Johnson to submit a corporate surety bond in the
17 amount of \$150,000 in lieu of the cash deposit. The District Court modified the
18 conditions in line with the parties' stipulation.

19 On June 21, 2023, Mr. Johnson submitted an opposed application to modify
20 the conditions of bond; he asked to replace the corporate surety bond with four
21 unsecured appearance bonds, signed by friends and family, in the amount of
22 \$25,000 each. In his application, Mr. Johnson argued that the imposition of a
23 condition requiring a cash deposit had been based on a misunderstanding about his
24 financial circumstances, and that it was disproportionate to the conditions placed
25 on his codefendants. The District Court denied that application. As such, when Mr.
26 Johnson failed to either submit a cash deposit or present a corporate surety bond by
27 June 23, 2023, he was in violation of his conditions of pretrial release.

1 On July 10, 2023, Mr. Johnson failed to appear for a status conference
2 before the District Court. The District Court issued a bench warrant based on Mr.
3 Johnson's failure to satisfy the conditions of his bond.

4 According to the Pretrial Services report, Mr. Johnson was aware of the
5 warrant, but he did not heed his counsel's urging that he turn himself in. He
6 stopped reporting to Pretrial Services and turned his phone number off around July
7 17, 2023. He was then arrested on the bench warrant.

8 When he appeared in this Court, Mr. Johnson proposed the Court release
9 him on modified conditions of release: specifically, \$75,000 of unsecured
10 appearance bonds signed by friends and family. The Court notes that his proposal
11 is release on conditions less stringent than his current conditions of release and less
12 stringent than the \$100,000 in unsecured appearance bonds that he proposed in his
13 ex parte application—that is, conditions that the District Court previously rejected
14 as sufficient to assure his presence.

15 Since the District Court declined to modify his conditions, the only new
16 facts are that Mr. Johnson failed to appear at a court proceeding and that he
17 absconded from supervision. Mr. Johnson, through counsel, indicated that he did
18 not appear in court because he lacked the funds to do so. Counsel points out that
19 other defendants were permitted to waive their presence. But Mr. Johnson is not on
20 equal footing with his codefendants. Mr. Johnson was already in violation of the
21 conditions of release when he failed to appear. He did not alert the Court to his
22 financial difficulties in advance and ask in advance for a continuance or for
23 permission to appear by video or phone. With respect to his failure to report to
24 Pretrial Services, Mr. Johnson's counsel suggests that Mr. Johnson panicked and
25 did not know what to do. That explanation does not mitigate the Court's concerns
26 that he may not appear as ordered in the future.

27 Weighty in this Court's consideration is the fact that the District Court
28 presiding over this case has already declined to modify the bond to conditions

1 similar to the ones Mr. Johnson now presents. Based on that fact, and the other
2 facts described here, the Court concludes that there is no condition or combination
3 of conditions that would be reasonably likely to assure Mr. Johnson's presence as
4 required, if he is permitted to remain in the community.

5 IT IS THEREFORE ORDERED that Mr. Johnson be permanently detained
6 and that he be remanded to the custody of the United States Marshal pending
7 further proceedings in this matter.

8 Dated: September 12, 2023
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11 BRIANNA FULLER MIRCHEFF
12 UNITED STATES MAGISTRATE JUDGE
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